

Attorney Docket No.: 10094.200-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sjøholm et al.

Confirmation No: 9039

Serial No.: 09/779,323

Group Art Unit: 1652

Filed: February 8, 2001

Examiner: M. Monshipouri

For: Use of Acid Stable Protease in Animal Feed

AMENDMENT FEE TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment for the above-identified application in response to the Office Action mailed June 18, 2003.

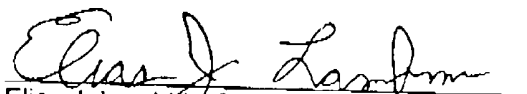
It is respectfully requested that the time for response to the Office Action be extended for a period of 3 months from May 7, 2003 to August 7, 2003. The required fee for the extension is estimated to be \$930.

No additional claims fee is required.

Please charge the required extension fee, estimated to be \$930, to Novozymes North America, Inc., Deposit Account No. 50-1701. A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: August 7, 2003



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(212) 840-0097

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REPLY UNDER 37 C.F.R. 1.116

Commissioner for Patents
Washington, DC 20231

Sir:

This reply is in response to the Advisory Action mailed June 18, 2003. Reconsideration of the application in view of the following remarks is requested.

The Office maintained the rejection of claims 25-30 under 35 U.S.C. 103 as being unpatentable over Bedford et al. (WO 96/05739) in view of JP 02255081 (Snow Brand Milk Prod.). This rejection is respectfully traversed.

As stated in prior responses, JP 02255081 merely discloses a *Nocardiopsis* protease and Bedford et al. disclose feed additives comprising a xylanase and a protease and optionally a beta-glucanase. Although the feed additives described in Bedford et al. are said to have an improved (i.e., lower) feed conversion ratio (FCR), the results do not demonstrate that to be the case. The only experiments using a protease described are provided in Examples 2 and 5. The results provided in Tables 4 and 9 do not show that there is any statistical difference between the results obtained using animal feed without protease and animal feed with protease.

On the other hand, the instant application demonstrates in Example 4 that the protease of SEQ ID NO: 1 (*Nocardiopsis* sp. NRRL 18262 protease) has a statistically and significantly better effect on protein solubilization. These results could not have been predicted from Bedford et al. and therefore are surprising and unexpected, especially when considering the thousands of proteases that are known in the art.

Applicants enclose a Declaration under 37 C.F.R. 1.132 of Carter, et al. which states that the results disclosed in the instant application show that the *Nocardiopsis* protease of SEQ ID NO: 1 has an improved feed conversion ratio and that

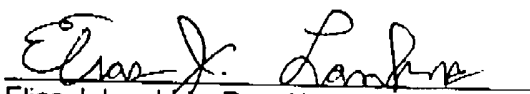
1 has a significantly better effect on protein solubilization in animal feed which leads to an improved nutritional value of the feed. Mr. Sjøholm concludes that these results are surprising and unexpected, especially when considering the thousands of proteases that are known in the art.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: August 7, 2003



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